

REMARKS

Status Summary

Claims 1-40 are pending in the present application, of which claims 1, 10, 23, and 34-35 are presented in independent form. Claims 1-40 stand finally rejected.

Prior Matter Related to the Drawings

In the Office Action mailed February 24, 2004, the Examiner objected to FIG. 5 for including unlabeled circles/buttons. In the Response filed May 24, 2004, Applicant amended FIG. 5 to include descriptive labels as requested by the Examiner. The Examiner's subsequent responses in this matter have not acknowledged acceptance of the drawing change by the Office, and Applicant respectfully requests that the Examiner provide such indication of acceptance by the Office at an early date.

Claim Rejection(s) - 35 U.S.C. § 102

Claims 1-5, 10-17, 23-26, and 34-40 stand finally rejected as being anticipated by U.S. Patent No. 6,650,831 to Thompson. Applicant respectfully disagrees, and requests that the Examiner reconsider her position for the following reasons.

I. THOMPSON DOES NOT DESCRIBE AN ONLINE PHOTO-SHARING SERVICE CAPABLE OF PROVIDING ACCESS TO RESPECTIVE ENTITY-SPECIFIC PHOTO-SHARING WEBSITES FOR EACH OF A PLURALITY OF ENTITIES THAT CONTROL A SET OF ENTITY-SPECIFIC IMAGE CAPTURE DEVICES.

Claim 1 recites, among other things, "providing an online photo-sharing service capable of providing access to the respective entity-specific photo-sharing websites for each of the entities." As recited in the claim preamble, the entity-specific photo-sharing websites correspond to a plurality of entities, each of which control a set of entity-specific image capture devices. As shown in FIG. 5 and described in the paragraph

bridging pages 5 and 6 of the originally filed application, an exemplary embodiment of the online photo-sharing service recited in claim 1 (element 16) includes a gateway server 18 and an entity/account database 20. Applicant further describes that various camera controlling entities 12 contract with the photo-sharing service 16 to transparently host customized photo-sharing websites 22 for each entity, which are referred to herein as entity-specific photo-sharing websites 22. Accordingly, claim 1 defines (and the specification supports) a method in which an online photo-sharing service provides access to a plurality of websites for a corresponding plurality of entities which control a set of entity-specific image capture devices.

Although the Examiner does not specifically address the above argument, which was included in the remarks of the Amendment filed May 15, 2006, in responding to Applicant's other arguments in the prior-filed Amendment, the Examiner states that "Thompson teaches users (plurality of entities) controlling digital cameras (entity-specific image capture devices) that are able to download their photo's taken to a online photo-sharing service (See abstract; column 2, lines 12-43)." Accordingly, the Examiner asserts that the term "entities" in claim 1 reads on the users of the digital camera described in Thompson.

Although Applicant describes that users of image capture devices can be "entities" within the scope of claim 1, the claim nevertheless requires that such users have an entity-specific website to which access is provided via the online photo-sharing service. Thompson's conventional image hosting service provider 10 does not provide access to a website for the user, as claim 1 requires, but instead provides an area within the provider's 10 website (e.g., a webpage) for the user to upload pictures to.

For example, Thompson describes in the paragraph bridging columns 6 and 7 that:

photographs hosted by an image hosting service provider 10 at the domain <www.camerai.com>, which were taken with a camera having a serial number of 1200 could have the partial network location of <www.camerai.com/1200>. The image number can then be added to the

base network location to complete the address. Thus, the first such image (image 0001) could have the address/file name <www.camerai.com/1200-0001.jpg>

In the above-cited portion of Thompson, the domain "<www.camerai.com>" identifies the website for the image hosting service provider 10, the number "1200" represents the serial number of a camera authorized to use the website, and the identifier "0001.jpg" represents the filename of an image file taken by the camera having the serial number "1200." The address/filename "<www.camerai.com/1200-0001.jpg>" corresponds to a webpage on the website "<www.camerai.com>" for accessing the image "0001.jpg,," not a website as claim 1 requires.

Should a second camera, perhaps having a serial number "1300" and controlled by a different entity than the camera having the serial number "1200" described above, be authorized to use Thompson's website, then an image, say "0002.jpg," taken by this second camera would have a page, "<www.camerai.com/1300-0002.jpg>," on the same website (i.e., "<www.camerai.com>") as the camera having the serial number 1200 for accessing the image "0002.jpg." This would occur, despite the fact that the cameras having the serial numbers "1200" and "1300" have different controlling entities.

In contrast, the subject matter defined by claim 1 of this application provides that when a plurality of image capture devices having different controlling entities connect to the single photo-sharing service via the network, the photo-sharing service uses an entity ID received from the image capture devices to provide access to respective websites for the different controlling entities—not merely access to different webpages that exist within the common website of the online photo-sharing service as Thompson describes.

For example, Applicant describes a scenario in the paragraph beginning at line 4 on page 9 of the original disclosure, in which Minolta and Nikon are entities that contract with a photo-sharing service. Assume for purposes here that the photo-sharing service has the same domain as Thompson's service provider 10, namely "<www.camerai.com>." Applicant describes in the disclosure that the photo-sharing

service hosts a photo-sharing website for Minolta, say "<www.minolta.com/photos>," and a photo-sharing website for Nikon, say "<www.nikon.com/photos>." Note that the websites "<www.minolta.com/photos>" and "<www.nikon.com/photos>" are not merely locations (e.g., webpages) within the "<www.camerai.com>" website, but are entity-specific websites for Minolta and Nikon in their own right. In accordance with claim 1, the Minolta cameras would be provided the entity ID for Minolta, say "minolta," and the Nikon cameras would be provided the entity ID for Nikon, say "nikon," with such an exemplary arrangement. When the Minolta and the Nikon cameras send sets of images along with their respective entity IDs to the photo-sharing service, "<www.camerai.com>," the service would distinguish the cameras 14 by their entity IDs and would direct the set of images received from Minolta cameras to Minolta's photo-sharing website, "<www.minolta.com/photos>," and would direct the images from Nikon cameras 14 to Nikon's photo-sharing website, "<www.nikon.com/photos>." To view the images, the owners of the cameras 14 would use a browser 24 on their PC or PDA to visit the URL of the respective Minolta ("<www.minolta.com/photos>") or Nikon ("<www.nikon.com/photos>") photo-sharing websites.

The above example should make clear the distinction between Thompson's arrangement and the subject matter defined by claim 1. Accordingly, claim 1 and its dependent claims are believed to be novel in view of Thompson for at least this reason. Moreover, independent claims 10, 23, 34, and 35, recite subject matter substantially similar to claim 1 in this regard, and thus are considered allowable over Thompson, together with their respective dependent claims, for these same reasons.

II. THOMPSON DOES NOT DESCRIBE PROVIDING SOFTWARE FOR THE ENTITY-SPECIFIC IMAGE CAPTURE DEVICES THAT CAUSES THE ENTITY-SPECIFIC IMAGE CAPTURE DEVICES TO TRANSMIT ENTITY ID INFORMATION WHEN THE IMAGE CAPTURE DEVICES TRANSMIT IMAGES TO THE PHOTO-SHARING SERVICE OVER A NETWORK.

Applicant argued in the prior-filed Amendment that Thompson's digital camera cannot transmit images to a service provider over a network, much less transmit entity ID information along with any such transmitted images, as claim 1 requires. In support of these arguments, Applicant pointed out that Thompson describes at column 7, lines 27-36, that to electronically transmit photographic images to an image hosting service provider:

the photographer can employ a "client" program running on, for example, a personal computer connected to the network. The client program is programmed to read the photographic image data recorded on the storage media, and to read the network access information associated with the storage media, and is programmed to transmit such information to the image hosting service provider.

Thompson also describes at column 9, lines 26-34, that the photographer can use a program running on a PC, not the digital camera, connected to the network to transmit images to the image hosting service provider. Applicant then concluded that, since Thompson's PC is not an "image capture device", as claim 1 requires, Thompson does not describe providing software for the entity-specific image capture devices that causes the entity-specific image capture devices to transmit entity ID information when the image capture devices transmit images to the photo-sharing service over a network.

In response to Applicant's arguments, the Examiner states in the final Action that:

The claim as written does not exclude a computer connected to the camera in order to connect to the Network. Specifically, because the claim language contains "comprising" it can be assumed that more elements can be within the claim. Furthermore, the claim language does not specify how (i.e., wireless; cable) the connection to the network is made. The claim language states "image capture devices connect to the photo-sharing service via the network, this language does not exclude a computer or any

other type of device that is connected to the camera in order to connect to "network".

The above statement appears to suggest that claim 1 could better distinguish over Thompson by reciting that the image capture device is directly connected to the network, or the like. But Applicant contends that any such amendment is unnecessary to distinguish over Thompson for the following reasons.

First, claim 1 not only requires that the recited image capture devices connect to a photo-sharing service via a network, but also requires that software be provided that causes the entity-specific image capture devices (not a PC) to transmit entity ID information to the photo-sharing service over the network when the image capture devices (again, not a PC) transmit images to the service. Persons of ordinary skill in the art would understand that a digital camera connected to PC, such as Thompson's digital camera, is neither connected to a network nor transmits information over a network simply because the PC is connected to the network. Such cameras are typically connected to a serial or parallel bus of the PC via a corresponding serial or parallel port, much like other PC peripheral devices, such as a keyboard, mouse, or a monitor/display. It is commonly understood that such PC peripheral devices are not connected to a network, such as the Internet, notwithstanding the PC itself may be connected to the Internet. Indeed, Thompson refers to the camera in the above-cited portion of the document as a "storage media," further exemplifying that the camera is connected to the PC merely as a peripheral storage device, and thus neither is connected to the network nor transmits information over the network. Consequently, persons of ordinary skill in the art would understand the claim 1 does not read on the conventional arrangement described in Thompson.

In addition to the above, Applicant's remarks in this response and those included in prior-filed responses, together with portions of the application, should make clear that claim 1 does not read on conventional arrangements for uploading images from a digital camera to a photo-sharing website on a network, such as that described in Thompson.

For example, Applicant states in the final paragraph of the background section of this application that:

what is needed is an improved method for uploading images from a digital camera to a photo-sharing website on the Internet. In order for online photo-sharing to become more mainstream, an approach that doesn't require a PC or PC expertise and that reduces complexity for the user is required. The present invention addresses such a need.

Accordingly, claim 1 and its dependent claims are also believed to be novel in view of Thompson because the cited document does not describe providing software for the entity-specific image capture devices that causes the entity-specific image capture devices to transmit entity id information when the image capture devices transmit images to the photo-sharing service over a network. Moreover, independent claims 10, 23, 34, and 35, recite subject matter substantially similar to claim 1 in this regard, and thus are considered allowable over Thompson, together with their respective dependent claims, for these same reasons.

Claim Rejection(s) - 35 U.S.C. § 103

Claims 6-9, 18-22, and 27-30 stand rejected as being unpatentable over Thompson in view of U.S. Patent No. 6,017,157 to Garfinkle et al. ("Garfinkle"). In addition, claims 31-33 stand rejected as being unpatentable over Thompson in view of U.S. Patent No. 6,035,323 to Narayan et al. ("Narayan").

Applicant contends that neither Garfinkle nor Narayan cure any of the defects of Thompson with regard to the absent features identified above, and believes that these claims are allowable for at least the same reasons as their respective base claims.

Request for Interview

Both the Examiner and Applicant have spent considerable time and effort in the examination of this application, resulting in a considerable narrowing of the outstanding issues between the subject matter claimed by Applicant and that which is described in

the prior art. Consequently, should the Examiner conclude after reviewing the above remarks that outstanding matters remain that preclude allowance of the claims, Applicant respectfully requests that the Examiner telephone the undersigned patent attorney at the below-listed number to arrange a telephonic interview to discuss the Examiner's concerns, so as to further expedite the prosecution of this application.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is in proper condition for allowance, and an early notice to such effect is earnestly solicited.

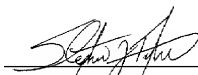
DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. 50-3512.

Respectfully submitted,

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